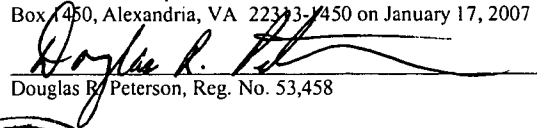


CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on January 17, 2007

  
Douglas R. Peterson, Reg. No. 53,458



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/729,622  
Applicant : Mark E. Deem, Douglas S. Sutton, Hanson S. Gifford III, Bernard H. Andreas, Ronald G. French  
Filed : December 5, 2003  
Art Unit : 3734  
Examiner : Michael T. Andersen  
Title : OBESITY TREATMENT TOOLS AND METHODS  
Docket No.: : SATTY 69233  
Customer No. : 24201

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Form PTO/SB/08a have come to the attention of Applicants and are submitted to the Office under 37 C.F.R. § 1.97(c) (2).

01/22/2007 LWONDI1 00000046 062425 10729622

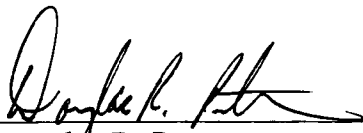
01 FC:1806 180.00 DA

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.T./

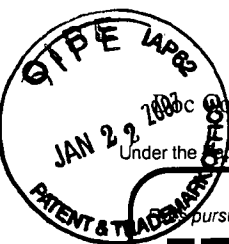
The petition fee set forth in 37 C.F.R. § 1.17(p) of \$180 is enclosed. Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 06-2425. A duplicate copy of this letter is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
Douglas R. Peterson  
Registration No. 53,458

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201  
153117.1



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
PTO/SB/17 (07-06)  
Approved for use through 01/31/2007. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$180.00

## Complete if Known

Application Number	10/729,622
Filing Date	December 5, 2003
First Named Inventor	Deen et al.
Examiner Name	Andersen
Art Unit	3734
Attorney Docket No.	SATTY-69233

## METHOD OF PAYMENT (check all that apply)

☒ Check    ☐ Credit Card    ☐ Money Order    ☐ None    ☐ Other (please identify): \_\_\_\_\_

☐ Deposit    Deposit Account Number: 06-2425    Deposit Account Name: Fulwider Patton LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below    ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or any underpayments of fee(s) under 37 CFR 1.16 and 1.17    ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims    Extra Claims    Fee (\$)    Fee Paid (\$)  
- 20 or HP = \_\_\_\_\_ x \$25.00 = \$0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims    Extra Claims    Fee (\$)    Fee Paid (\$)  
- 3 or HP = \_\_\_\_\_ x \$100.00 = \$0.00

HP = highest number of independent claims paid for, if greater than 3.

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets    Extra Sheets    Number of each additional 50 or fraction thereof    Fee (\$)    Fee Paid (\$)  
- 100 = 0 / 50 0 (round up to a whole) x \$125.00 = \$0.00

### 4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)  
Other (e.g., late filing surcharge): Information Disclosure Statement Fee    \$180.00

## SUBMITTED BY

Signature	<u>Douglas R. Peterson</u>	Registration No. (Attorney/Agent)	53,458	Telephone	310-824-5555
Name (Print/Type)	Douglas R. Peterson	Date	January 17, 2007		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.T./



Doc Code:

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5+

Application Number

10/729,622

Filing Date

December 5, 2003

First Named Inventor

Deem et al.

Art Unit

3734

Examiner Name

Andersen

Attorney Docket Number

SATTY-69233

**ENCLOSURES (Check all that apply)**

- ☒ Fee Transmittal Form  
☒ Fee Attached  
☐ Amendment / Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☒ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Reply to Missing Parts/ Incomplete Application  
☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney, Revocation Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s) \_\_\_\_\_  
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC  
☐ Appeal Communication to Board of Appeals and Interferences  
☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter  
☒ Other Enclosure(s) (please identify below):

**Check  
Postcard**

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name Fulwider Patton LLP

Signature

Printed name Douglas R. Peterson

Date January 17, 2007

Reg. No.

53,458

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the

Signature

Typed or printed name

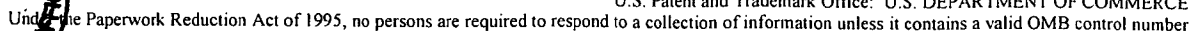
Douglas R. Peterson

Date

January 17, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ALL REFERENCES TO REQUIRED ASSISTANCE IN COMPLETING THE FORM, CALL 1-800-PTO-0199 AND SELECT OPTION 2. /K.T./



Approved for use through 07/31/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO, Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO						Complete if Known								
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)						Application Number		10/729,622						
						Filing Date		December 5, 2003						
						First Named Inventor		Deem et al.						
						Art Unit		3734						
						Examiner Name		Michael T. Andersen						
Sheet		2		of		2		Attorney Docket Number		SATTY-69233				
<b>U.S. PATENT DOCUMENTS</b>														
Examiner Initials*	Cite No <sup>1</sup>	Document Number			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear							
		Number	Kind Code <sup>3</sup> (if known)											
		2004/0044354 A1			03-04-2004	Gannoe et al.								
		2004/0088008 A1			05-06-2004	Gannoe et al.								
		2004/0092974 A1			05-13-2004	Gannoe et al.								
		2004/0215180 A1			10-28-2004	Starkebaum et al.								
		2004/0236357 A1			11-25-2004	Kraemer et al.								
		2004/0249362 A1			12-09-2004	Levine et al.								
		2005/0010162 A1			01-13-2005	Utley et al.								
		2005/0033328 A1			02-10-2005	Laufer et al.								
		2005/0038415 A1			02-17-2005	Rohr et al.								
		2005/0192599 A1			09-01-2005	Demarais								
		2005/0192601 A1			09-01-2005	Demarais								
		2005/0203547 A1			09-15-2005	Weller et al.								
		2005/0228504 A1			10-13-2005	Demarais								
		2005/0256533 A1			11-17-2005	Roth et al.								
		2006/0106288 A1			05-18-2006	Roth et al.								
		2006/0122462 A1			06-08-2006	Roth et al.								
		2006/0142787 A1			06-29-2006	Weller et al.								
		2006/0151568 A1			07-13-2006	Weller et al.								
<b>FOREIGN PATENT DOCUMENTS</b>														
Examiner Initials*	Cite No <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear			T <sup>6</sup>				
		Office <sup>3</sup>	Number <sup>4</sup>	Kind <sup>5</sup> (if known)										
Examiner Signature		/Kevin Truong/				Date Considered	12/23/2008							

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO, Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.